



# LEGISLATIVE BRANCH      CITY OF BINGHAMTON

Teri Rennia, City Council President  
Angela Holmes, City Clerk

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## MINUTES

City Council Business Meeting  
Council Chambers, 38 Hawley Street, Binghamton, N.Y.  
Wednesday June 19, 2013

### **CALL TO ORDER**

Called to order by Council President Rennia at 6:30pm.

### **PLEDGE OF ALLEGIANCE**

Council President Rennia led the Pledge of Allegiance.

### **ROLL CALL**

**Present:** Jerry Motsavage, Joseph Mihalko, Teri Rennia, Lea Webb, Chris Papastrat, John Matzo, Bill Berg

**Absent:** None

**Also in attendance:** Kenneth J. Frank, Corporation Counsel; Angela Holmes, City Clerk

### **REPORTS FROM COMMITTEES AND APPROVAL OF MINUTES**

Motion to approve the minutes from the City Council Business Meeting held on June 5, 2013.

Moved by Motsavage, seconded by Matzo.

**Voice vote, none opposed.**

Councilman Motsavage noted that Binghamton City Council's Municipal and Public Affairs Committee will meet on Monday July 1, 2013 at 5:00pm to discuss the City of Binghamton's noise ordinance. This meeting will be held in the City Council Work Room, located through the City Clerk's Office on the first floor of City Hall, 38 Hawley Street, Binghamton, NY.

Councilman Berg noted that the City Council Business Meetings in July will be held on Tuesday July 2, 2013 and Wednesday July 17, 2013. Both meetings will be held in the City Council Chambers, 38 Hawley Street, Binghamton, NY.

### **RECOGNITIONS AND ACKNOWLEDGEMENTS**

Councilwoman Webb read "A Proclamation in recognition of Juneteenth in the City of Binghamton" into the record.

### **PUBLIC HEARING**

**Introductory Ordinance 13-46. Considered in Planning & Community Development, Chair: Webb**

An Ordinance authorizing various amendments to Sections 265 and 410 of the Binghamton City Code, regarding Community Food Systems

*Note: Notice of public hearing was published in the Press & Sun Bulletin on June 14, 2013.*

In Favor: Sean Cummings, Lauren Tonti, Jimmy Borsios, Mark Bowers, Amy Shapiro, Dick Andrus, Shamas Harper, Ken Holmes, Rebecca Heller-Steinberg, Dan Livingston, Scott Lauffer, Sean Ryer, Isaac Julius Silberman-Gorm, Cecily O'Neil, Joshua DeMarree, Cole Harrington, Jack Sheehan, Johan Jelsma, Christopher Frey, Earl Westerlund<sup>1</sup>, Fiske Hanson<sup>2</sup>

Opposed: Karl Bernhardsen, Petition<sup>3</sup>



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<sup>1</sup>*Note: Earl Westerlund submitted the following email to Council President Rennia June 19, 2013. The original letter is attached to these minutes.*

Ms. Rennia,

I have read and support the proposed changes to zoning law to allow limited community agriculture in the City. I think that the proposed changes strike the proper balance between allowing small agriculture, and protecting the rights of nearby residents. I do not intend to keep chickens or rabbits, but have no problem if my neighbors choose to.

I will not be able to attend this evening's public hearing, so I wanted to express my support via email.

Please contact me with any questions. Thanks for your time.

Sincerely,  
Earl Westerlund

<sup>2</sup>*Note: Fiske Hanson submitted the following email to the City Clerk's Office on June 19, 2013. The original letter is attached to these minutes.*

To Councilman Chris Papastrat and City Clerk Angela B. Holmes  
From Fiske Hanson 16 Hotchkiss St., Binghamton  
For the June 19 2013 Public Hearing Record

I do believe the Proposed Community Food System Zoning Amendment needs to be approved for a number of reasons: addresses and defines areas such as Farmers markets and Market Gardens, for which there is no provision at all and it allows for six chickens to be compatible with the State minimum purchase, and defines acceptable standards for practices such as composting and animal, poultry shelter and care.

It is beneficial to have definitions and standards, in particular, for those areas that are of concern to Binghamton residents and neighbors because the concerns do need to be addressed.

Community gardens are good examples to show how communication in a neighborhood improves cooperation and engagement.

If Council members haven't visited the VINES gardens ask for a tour. It's an eye opener.

Thank you,  
Fiske Hanson

<sup>3</sup>*Note: A petition signed by 132 individuals was submitted to the City Clerk's Office on June 19, 2013. The original petition is attached to these minutes.*

We the undersigned residents of the City of Binghamton are urging City Council to vote no on the pending legislation dealing with urban agricultural farming. Our reasons for requesting a no vote are as follows:



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1. We wish to preserve our neighborhoods especially the R-1 and R-2 residential districts.
2. Vacant properties should be sold and redeveloped into properties that will return to the tax rolls of the City.
3. Farm animals, livestock, etc. do not belong in residential neighborhoods.
4. The City of Binghamton Code Dept. cannot keep up with the present case load, so why add more???
5. Composting creates and draws rodents and other undesirables that make their way onto neighboring properties.
6. Too many people have allergic reactions to bee stings and some don't realize their allergic until it is too late.
7. Who will care for the abandoned animals when the owners/renters decide to up and leave the area?
8. Who is to maintain the community garden when the owners/operators move on??
9. Community gardens already exist (10 or more) and with the downtown farmers markets Tuesdays thru the weekend and the upcoming county run gardens, isn't the area saturated with this type of garden products already?

In closing, we support backyard gardening by individual homeowners, not the bulk type that this legislation is proposing. The 132 number of signatures should tell our elected officials that the constituency has concerns with the legislation and ask that it not be supported at this time.

### **PUBLIC COMMENT/COMMUNICATIONS**

Lawrence Pierce, Christina Pierce, Douglas Walter Drazen, Jack Sheehan

### **SECOND READING LEGISLATION**

#### **Introductory Resolution 13-52. Considered in Finance, Chair: Webb**

A Resolution amending Permanent Resolution 12-81, regarding funds from the Communitary Capital Assistance Program for the Design Your Own Park Initiative

*Note: This legislation was first considered at the Business Meeting held on June 5, 2013.*

Motion to approve legislation. Moved by Webb, seconded by Motsavage.

#### **Motion carried. Legislation adopted as Permanent Resolution 13-57. (Vote 7-0)**

Ayes: Motsavage, Mihalko, Rennia, Webb, Papastrat, Matzo, Berg

Nays: None

### **FIRST READING LEGISLATION**

#### **Introductory Ordinance 13-44. Considered in Planning & Community Development, Chair: Webb**

An Ordinance authorizing the abandonment of 126 Eldredge Street (a portion of Liberty Street) as a public street

*Note: Notice of public hearing was published in the Press & Sun Bulletin on May 31, 2013. A public hearing occurred at the Business Meeting held on June 5, 2013.*

Motion to approve legislation. Moved by Webb, seconded by Motsavage.

#### **Motion carried. Legislation adopted. (Vote 7-0)**

Ayes: Motsavage, Mihalko, Rennia, Webb, Papastrat, Matzo, Berg

Nays: None

#### **Introductory Ordinance 13-45. Considered in Finance, Chair: Webb**

An Ordinance authorizing the temporary use of expense funds to purchase police vehicles pending completion of vehicle capital lease obligations

Motion to approve legislation. Moved by Webb, seconded by Motsavage.

#### **Motion carried. Legislation adopted as Permanent Ordinance 13-42. (Vote 7-0)**



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Ayes: Motsavage, Mihalko, Rennia, Webb, Papastrat, Matzo, Berg  
Nays: None

**Recall.** Motion to recall Introductory Ordinance 13-33 in order to declare the City of Binghamton as lead agency, to approve the legislation as an unlisted action, and to adopt the negative declaration in accordance with the the New York State Environmental Quality Review Act.

Moved by Motsavage, seconded by Matzo.

**Voice vote, none opposed.**

## **Introductory Ordinance 13-44. Considered in Planning & Community Development, Chair: Webb**

An Ordinance authorizing the abandonment of 126 Eldredge Street (a portion of Liberty Street) as a public street

*Note: Notice of public hearing was published in the Press & Sun Bulletin on May 31, 2013. A public hearing occurred at the Business Meeting held on June 5, 2013.*

1. Motion to reintroduce Introductory Ordinance 13-44.  
Moved by Webb, seconded by Motsavage.

2. Motion to declare City Council as lead agency.  
Moved by Webb, seconded by Motsavage.

**Voice vote, none opposed.**

3. Motion to approve Introductory Ordinance 13-44 as an unlisted action.  
Moved by Webb, seconded by Berg.

**Voice vote, none opposed.**

4. Motion to approve a State Environmental Quality Review (SEQR) Negative Declaration Determination of Non-Significance for the abandonment and sale of a portion of Liberty Street (a/k/s 126 Eldredge).  
Motion to adopt a negative declaration.  
Moved by Webb, seconded by Matzo.

**Voice vote, none opposed.**

5. Motion to approve legislation.  
Moved by Webb, seconded by Motsavage.

**Motion carried. Motion carried. Legislation adopted as Permanent Ordinance 13-43. (Vote 7-0)**

Ayes: Motsavage, Mihalko, Rennia, Webb, Papastrat, Matzo, Berg  
Nays: None

## **Introductory Resolution 13-58. Considered in Finance, Chair: Webb**

A Resolution authorizing the Mayor to enter into Supplemental Agreement No. 2 with New York State Department of Transportation for Front Street Reconstruction at Clinton Street, PIN 99752.74

Motion to approve legislation. Moved by Webb, seconded by Motsavage.

**Motion carried. Legislation adopted as Permanent Resolution 13-58. (Vote 7-0)**

Ayes: Motsavage, Mihalko, Rennia, Webb, Papastrat, Matzo, Berg  
Nays: None



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*Angela Holmes, City Clerk*

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## **Introductory Resolution 13-59. Considered in Finance, Chair: Webb**

A Resolution authorizing the City to enter into an agreement with NYS Division of Criminal Justice Services for Operation Impact X (2013-2014)

Motion to approve legislation. Moved by Webb, seconded by Motsavage.

### **Motion carried. Legislation adopted as Permanent Resolution 13-59. (Vote 7-0)**

Ayes: Motsavage, Mihalko, Rennia, Webb, Papastrat, Matzo, Berg

Nays: None

## **COMMUNICATIONS FROM COUNCIL MEMBERS**

Berg, Motsavage, Mihalko, Webb, Papastrat, Matzo, Rennia

## **ADJOURNMENT**

Motion to adjourn at 8:29pm.

Moved by Webb, seconded by Matzo.

**Voice vote, none opposed.**

## Holmes, Angela

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**From:** Teri Rennia [TRennia@enviren.com]  
**Sent:** Wednesday, June 19, 2013 3:56 PM  
**To:** Holmes, Angela  
**Subject:** FW: Proposed Community Food System Zoning Proposal

Hi Angela,

I guess you can add this to the pile that I just know you have ;)

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**From:** Earl Westerlund [<mailto:earble@gmail.com>]  
**Sent:** Wednesday, June 19, 2013 3:48 PM  
**To:** [district3@cityofbinghamton.com](mailto:district3@cityofbinghamton.com)  
**Subject:** Proposed Community Food System Zoning Proposal

Ms. Rennia --

I have read and support the proposed changes to zoning law to allow limited community agriculture in the City. I think that the proposed changes strike the proper balance between allowing small agriculture, and protecting the rights of nearby residents. I do not intend to keep chickens or rabbits, but have no problem if my neighbors choose to.

I will not be able to attend this evening's public hearing, so I wanted to express my support via email.

Please contact me with any questions. Thanks for your time.

Sincerely,  
Earl Westerlund  
28 Lathrop Avenue  
217-4110

## Holmes, Angela

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**From:** Fiske Hanson [fiskehanson@yahoo.com]  
**Sent:** Wednesday, June 19, 2013 6:25 PM  
**To:** Chris Papastrat; Holmes, Angela  
**Subject:** Community Food System Zoning Amendment Proposal

To Councilman Chris Papastrat and City Clerk Angela B. Holmes  
From Fiske Hanson 16 Hotchkiss St., Binghamton  
For the June 19 2013 Public Hearing Record

I do believe the Proposed Community Food System Zoning Amendment needs to be approved for a number of reasons: addresses and defines areas such as Farmers markets and Market Gardens, for which there is no provision at all and it allows for six chickens to be compatible with the State minimum purchase, and defines acceptable standards for practices such as composting and animal, poultry shelter and care. It is beneficial to have definitions and standards, in particular, for those areas that are of concern to Binghamton residents and neighbors because the concerns do need to be addressed.

Community gardens are good examples to show how communication in a neighborhood improves cooperation and engagement.

If Council members haven't visited the VINES gardens ask for a tour. It's an eye opener.

Thank you, Fiske Hanson

WE THE UNDERSIGNED RESIDENTS OF THE CITY OF BINGHAMTON ARE URGING CITY COUNCIL TO VOTE NO ON THE PENDING LEGISLATION DEALING WITH URBAN AGRICULTURAL FARMING. OUR REASONS FOR REQUESTING A NO VOTE ARE AS FOLLOWS:

1. WE WISH TO PRESERVE OUR NEIGHBORHOODS ESPECIALLY THE R-1 AND R – 2 RESIDENTIAL DISTRICTS.
2. VACANT PROPERTIES SHOULD BE SOLD AND RE-DEVELOPED INTO PROPERTIES THAT WILL RETURN TO THE TAX ROLES OF THE CITY
3. FARM ANIMALS, LIVESTOCK, ETC. DO NOT BELONG IN RESIDENTIAL NEIGHBORHOODS.
4. THE CITY OF BINGHAMTON CODE DEPT. CANNOT KEEP UP WITH THE PRESENT CASE LOAD, SO WHY ADD MORE??
5. COMPOSTING CREATES AND DRAWS RODENTS AND OTHER UNDESIRABLES THAT MAKE THEIR WAY ONTO NEIGHBORING PROPERTY.
6. TOO MANY PEOPLE HAVE ALLERGIC REACTIONS TO BEE STINGS AND SOME DON'T REALIZE THEIR ALLERGIC UNTIL IT IS TOO LATE.
7. WHO WILL CARE FOR THE ABANDONED ANIMALS WHEN OWNERS/RENTERS DECIDE TO UP AND LEAVE THE AREA?
8. WHO IS TO MAINTAIN THE COMMUNITY GARDEN WHEN THE OWNERS/OPERATORS MOVE ON??
9. COMMUNITY GARDENS ALREADY EXIST (10 OR MORE) AND WITH THE DOWNTOWN FARMERS MARKETS TUESDAYS THRU THE WEEKEND AND THE UPCOMING COUNTY RUN GARDENS, ISN'T THE AREA SATURATED WITH THIS TYPE OF GARDEN PRODUCTS ALREADY?

IN CLOSING, WE SUPPORT BACKYARD GARDENING BY INDIVIDUAL HOMEOWNERS, NOT THE BULK TYPE THAT THIS LEGISLATION IS PROPOSING.. THE 132 NUMBER OF SIGNATURES SHOULD TELL OUR ELECTED OFFICIALS THAT THE CONSTITUENCY HAS CONCERNS WITH THE LEGISLATION AND ASK THAT IT NOT BE SUPPORTED AT THIS TIME.



## ADDRESS

- 1 Tony Massan 42 Dickinson St
- 2 Al Calantre 3 Hawthorne Rd
- 3 P. Bruno 19 Pine St Bingham
- 4 Nick Butenko 2 Grant Ave. Bingham
- 5 Charles Bold 16 Amory St. Bingham N.Y. 13901
- 6 Michele Kennedy 7 Mill Street Bingham NY 13903
- 7 Alvin Hucan 1212 Saragat Bingham 13905
- 8 Pietro D. Melchiorre 81 Chippin St Binghamton NY 13905
- 9 Chris D. Murphy 18 Lenox St Bingham
- 10 Susan W. Kutz 19 Lenox St Bingham
- 11 Ann L. Coni 24 LENNOX DR. Bingham
- 12 Robert M. Nugent 5 Delwood Pl. Binghamton NY 13903
- 13 Ann M. Gato 5 Delwood Pl Binghamton M 13903
- 14 Mary Banta 716 Kendall Ave Bingham
- 15 Frank D. Gato 40 KENDALL AVE. Bingham
- 16 Catherine McKean 74 Barnett Ave. Bingham NY 13905
- 17 Robert J. Gato 43 Kendall Ave. 13903
- 18 Frank D. Gato 22 Murray St. Bingham 13905
- 19 F. Gato 5 RIVER STREET Bingham 13905
- 20 Anthony J. Gato 70 Albee Ave Bingham 13903
- 21 Donald Buchanan 2 RIVERVIEW AVE. Bingham 13904
- 22 Stephanie Gato 10 Medford St. Bingham 13903
- 23 Frank J. Gato 175 CROFT ST. BING 13905
- 24 Frank M. Gato 100 Apple St Bingham 13903
- 25 Joe Tuckey 26 Maryland Ave Bingham 13903
- 26 Charlotte Tuckey 26 Maryland Ave. Bingham 13903
- 27 Charles J. Gato 233 Chenango Street Binghamton 13901
- 28 Vicki Papastath 175 Lewis St Binghamton NY 13901
- 29 Frank DiBona 33 Revlon St. Bingham NY 13903
- 30

NAME

ADDRESS

1		2141 Mont. Ave.
2	Mary Ellen Kasperchak	13 Roosevelt Ave. Bing.
3	Stanley B. Sabreigh	9 Roosevelt Ave. Bing.
4	Donna L. Sobiech	9 Roosevelt Ave. Bing.
5	Walt Kasperchak	13 Roosevelt Ave. Bing.
6	Jim Kasperchak	13 Roosevelt Ave. Bing.
7	Al Mitchell	15 Roosevelt Ave. Birmingham
8	Helen Jean Coker	18 Roosevelt Ave. Birmingham
9	Kathleen Gattary	2 Woodruff Ave. Bing.
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1	Flo Zonie R	117 Robinson St - City
2	KAREN O'NEIL	326 FERNDALE DR 13905
3	Deloris Bowman	15 HOWARD AVE BING
4	Ellen Kuyf	28 Robinson St - Bery City
5	Michel JMC	15 Howard Ave Bing
6	W.F. Kuyf	177 Robinson ST, Bing
7	Suzanne M. Berg	355 Robinson St
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- 1 Don Murphy 344 Robinson St
- 2 Irene Madden 22 English St.
- 3 Brooke Giordani 19 English St
- 4 ~~the 05~~ 20 English St
- 5 Joanne Donahue 27 English St.
- 6 ~~Maureen J. Lippans~~ 14 English St.
- 7 Edward Kuryng 14 English St.
- 8 Emily Lux 16 English Street.
- 9 Salim Turkovic 38 River View Ave.
- 10 Nathan Herschowitz 9 Summit Ave.
- 11 Edward Horvath 3 English St.
- 12 ~~Robert J. Jankovics~~ 14 English St
- 13 Kathleen Gallagher 30 Ardley Rd
- 14 ~~Donna Chord~~ ~~Thom~~
- 15 D. Blackwell 36 Grandview Ave
- 16 John Griffin 9 ROSSMORE PL.
- 17 ~~St. George~~ 13 Grandview Ave.
- 18 Alfred Rutter 13 Rossmore place
- 19 ~~John Rutter~~ 13 Rossmore Pl.
- 20 ~~Mrs. J. Jankovics~~ 25 Rossmore Pl.
- 21 ~~John J. Jankovics~~ 36 Rossmore
- 22 ~~Donna J. Jankovics~~ 31 Rossmore Pl.
- 23 June O'Keefe 6 Summit Ave
- 24 Edward Digne 43 Ardley Rd Bury
- 25 MURRAY GOZDZOVIC
- 26 Danny J. Jankovics 44 River View Ave.
- 27 ~~John J. Jankovics~~ 7 McNamara Ave.
- 28 Mary Reardon 12 Wagner St.
- 29 ~~John J. Jankovics~~ 11 Garden Ave.
- 30 Anthony J. Jankovics 7 GARDEN AVE

- 1 *Margaret Segura* 1 Rubin Ave, Binghamton, NY
- 2 *Quay Brown* 7 Grandview Ave Binghamton, NY
- 3 *Jerry CAVANAH* 7 GRANDVIEW Ave Binghamton, NY
- 4 *Robert Zemanick* 133 Windy Hill Rd. Binghamton, NY
- 5 *John P. ...* 176 ... ST. Binghamton, NY
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1	Colleen Hunt	36 Oliver St. Binghamton NY 1390
2	Robert Hunt	36 Oliver St. Binghamton NY 1390.
3	Laura Mantillo	12 Christopher St. Binghamton NY
4	Alicia Nanni	74 Locke Dr Binghamton 1390
5	Mark Devine	76 Griswold St Binghamton NY 13904
6	Robert M. Devine	3 Gold St Binghamton NY 13904
7	Billie Palmores	26 Griswold St Binghamton 13904
8	John Shontell	5 GOLD ST BING 13904
9	Betty Shontello	5 Gold St " "
10	Joseph Shontello Jr	12 Christopher St Binghamton 1390
11	Scott P. Ryan	8 Gold St Bingham 13904
12	Darryl Erickson	4 Gold St Bingham 13904
13	James, Truckey	11
14	Samuel H. Erickson	11
15	Julie Erickson	5 Gold St
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- 1 Domenic Limonaco 23 Haystack Hill Rd Binghamton NY 13901
- 2 Patrick Limonaco 24 Bedford St Bing 13903
- 3 MARY LOU REGULSKI 23 HOWARD AVE Bing 13904
- 4 Margery McMahon 54 Howard Ave Bing 13904
- 5 Cynthia Annunzio 37 M. 11 St. Bing 13903
- 6 Patricia Gleason 84 Mason Ave. Bing 13904
- 7 Rebecca Davis 69 Cleveland Ave Bing 13905
- 8 Joanne Smith 28 Moeller St.
- 9 Joyce Dextis 13 Maria Manor 13903
- 10 Ann Grace 5 Hawthorne Rd., Binghamton 13903
- 11 Carol Majka 34 Emma St Binghamton 13905
- 12 Steve Majka 34 Emma St. Binghamton 13905
- 13 Nicholas Majka 34 Emma St. Binghamton 13905
- 14 Robert Kelly 25 Howard Ave Bing 13904
- 15 Conrad Ellillo 9 Howard Ave Bing 13904
- 16 Denial Hlata 3 Howard Ave Bing 13904
- 17 Robert Conington 6 Howard Ave Bing 13904
- 18 Elizabeth Conington 6 Howard Ave Bing 13904
- 19 Delores Bowne 15 Howard Ave Bing
- 20 Anthony Kramiere 14 MASON AVE Bing
- 21 Rose Marie Rusin 14 Howard Ave Bing 13904
- 22 Michael Rusin 14 HOWARD AVE Bing 13904
- 23 Jerry Woodall 16 Howard Ave Bing 13904
- 24 Walter Woodall 16 Howard Ave Bing 13904
- 25 Walter A. Sandin 16 Howard Ave Binghamton 13904
- 26 Frank Clarke 12 Howard Ave. Binghamton, 13904
- 27 Patricia Boorum 30 Monroe St Binghamton, 13904
- 28 Wm Gordon 34 George St Binghamton, 13904
- 29 Doreen Moore 10 Louise St Binghamton NY 13904
- 30 Stephanie Blaisure 53 Murray St Bing 13905
- 31 Janeeke Affler 306 Robinson St. Bing 13904

## NAME

## ADDRESS

	NAME	ADDRESS
1	Emily McKeown	4 Kneeland Ave Biry
2	John Miller	1 Rotary Ave Biry
3	Mary E. Seyer. Miallo	10 Kneeland Ave Biry
4	Joseph Curran	2 Brevin Ct Biry
5	John Brady	32 Lourdes Rd Biry
6	John Kelly	102 Helen St Biry
7	John Rush	5 West End Ave Biry
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